

### **REMARKS/ARGUMENTS**

The present Amendment is in response to the Office Action having a mailing date of April 9, 2008. Claims 16-49 are pending in the present Application. Applicant has amended claims 16-49. Applicant has also added claims 50-55. Consequently, claims 16-55 remain pending in the present Application.

Applicant has amended claims 16-49 to correct minor errors and ensure that the terms in the claims have proper antecedent basis. This amendment is seen by Applicant as broadening or cosmetic, and as such, is not subject to the prosecution history estoppel imposed by Festo. For the record, Applicant points out that the Supreme Court in Festo noted that a cosmetic amendment would not narrow the patent's scope and thus would not raise the estoppel bar.

Applicant has amended claims 16, 28, and 39 to recite that the time stamp corresponds to an external clock of a source providing the formatted presentation data stream and that the clock is different from the external clock. Support for the amendment may be found, for example, in the specification, page 10, line 10-page 11, line 6; page 6, lines 4-7 (indicating an application in which the method, apparatus, and article of manufacture might be used); and page 12, line 18-page 13, line 4. Applicant has also added claims 50-55, which recite receipt of the formatted data stream and indicate that the clock is a local clock. Support for new claims 50-55 may be found, for example, in the specification, page 8, lines 17-19; page 10, lines 13-16; page 12, lines 15-16; page 12, line 18-page 13, line 1. Accordingly, Applicant respectfully submits that no new matter is added.

In the above-identified Office Action, the Examiner rejected claims 16-49 under the ground of nonstatutory obviousness-type double patenting over claims 1-27 of U.S. Patent No. 6,654,956 (Parent Case).

Applicant has provided herewith a terminal disclaimer, disclaiming any portion of the term beyond that of the Parent Case. Accordingly, Applicant respectfully submits that the Examiner's double patenting rejection is moot.

In the above-identified Office Action, the Examiner rejected claims 16, 17, 21-23, 25-29, 33-35, 37-40, 44-46, 48, and 49 under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 5,430,485 (Lankford).

Applicant respectfully traverses the Examiner's rejection. Claim 16 recites a method of synchronizing a formatted presentation data stream to a clock. Claim 16 recites demultiplexing the formatted presentation data stream into a plurality of data streams and comparing a time stamp embedded in the formatted presentation data stream to time indicated by the clock to determine a relationship between a stamp time indicated by the time stamp and the time indicated by the clock. Claim 16 also recites adjusting a first data stream of the plurality of data streams to synchronize the first data stream to the clock, resulting in an adjusted first data stream and synchronizing a second data stream to the plurality of data streams to the adjusted first data stream. Claim 16 further recites that the time stamp of the formatted data stream corresponds to an external clock of a source providing the formatted presentation data stream. The clock to which the first data stream is synchronized is recited as being different from the external clock. Claim 39 recites an analogous article of manufacture. Claim 28 recites an apparatus for synchronizing a formatted presentation data stream to a clock. The apparatus of claim 28 includes a demultiplexer, a comparator, an adjustor, and a synchronizer. The

demultiplexer is capable of demultiplexing the formatted presentation data stream into a plurality of data streams, which include a first data stream and a second data stream. The comparator is capable of comparing a time stamp embedded in the formatted presentation data stream to time indicated by the clock to determine a relationship between a stamp time indicated by the time stamp and the time indicated by the clock. The adjustor is capable of adjusting the first data stream to synchronize the first data stream to the clock, resulting in an adjusted first data stream. The synchronizer is capable of synchronizing the second data stream to the adjusted first data stream. As in claim 1, the time stamp of claim 28 corresponds to an external clock of a source providing the formatted presentation data stream. In addition, the clock of claim 28 is different from the recited external clock.

Thus, claims 16, 28, and 39 all recite comparing the time stamp embedded in the formatted data stream to the time of a clock. Claims 16, 28, and 39 also recites that the time stamp corresponds to an external clock of a source providing the data stream. This external clock is different from previously recited the clock.

Using the method, apparatus, and/or article of manufacture, a data stream corresponding to an external clock may be synchronized to the clock of the system. For example, the rate at which a receiver receives and presents video data stream including audio and video data may be synchronized without the use of a phase lock loop. See, for example, specification, page 19, lines 1-5. Thus, synchronization may be performed in a less expensive manner. Specification, page 19, line 5.

In contrast, Lankford is used to align video and audio components of the same data stream. Lankford, Abstract, lines 1-9; col. 1, lines 10-12; and col. 2, lines 46-48. Stated differently, Lankford is used to align components to the same clock

corresponding to the time stamps of the audio and video signals in Lankford. Thus, Lankford describes sampling both the audio and video time stamps. Lankford, col. 7, lines 20-28. The error, or difference between the audio and video time stamps, is then determined by Lankford. Lankford, col. 7, lines 29-35. This error is then used to synchronize the audio and video signals. Lankford, col. 7, line 44-col. 8, line 24 and FIG. 4.

Thus, Lankford is used to synchronize two signals that are based on the same clock—the clock of the system which generated the audio and video signals. The time stamp of the audio signal and the time stamp of the video signal both correspond to the clock of sending system. Thus, Lankford compares two times, for the audio and for the video, from the same clock. As a result, Lankford fails to teach or suggest the step of and components for comparing the time stamp corresponding to an external clock to the time of the clock that is different from this external clock. Consequently, Lankford fails to teach or suggest the method, apparatus and article of manufacture recited in claims 1, 28, and 39, respectively. Accordingly, Applicant respectfully submits that claims 16, 28, and 39 are allowable over the cited references.

Claims 17, 21-23, and 25-27 depend upon independent claim 16. Claims 29, 33-35, and 37-38 depend upon claim 28. Claims 40, 44-46, 48, and 49 depend upon independent claim 39. Consequently, the arguments herein apply with full force to claims 17, 21-23, 25-27, 29, 33-35, 37-38, 40-46, 48, and 49. Accordingly, Applicant respectfully submits that claims 17, 21-23, 25-27, 29, 33-35, 37-38, 40-46, 48, and 49 are allowable over the cited references.

In the above-identified Office Action, the Examiner rejected claims 18-20, 24, 30-32, 36, 41-43, and 47 under 35 U.S.C. § 103 as being unpatentable over Lankford.

Applicant respectfully traverses the Examiner's rejection. Claims 18-20 and 24 depend upon independent claim 16. Claims 30-32 and 36 depend upon independent claim 28. Claims 41-43 and 47 depend upon independent claim 29. Consequently, the arguments herein apply with full force to claims 18-20, 24, 30-32, 36, 41-43, and 47. Accordingly, Applicant respectfully submits that claims 18-20, 24, 30-32, 36, 41-43, and 47 are allowable over the cited references.

New claims 50-51 depend upon independent claim 16. New claims 52-53 depend upon independent claim 28. New claims 54-55 depend upon independent claim 39. Consequently, the arguments herein apply with full force to claims 50-55. Accordingly, Applicant respectfully submits that claims 50-55 are allowable over the cited references.

Applicant's attorney believes that this application is in condition for allowance. Should any unresolved issues remain, Examiner is invited to call Applicant's attorney at the telephone number indicated below.

Respectfully submitted,

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Date

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